

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

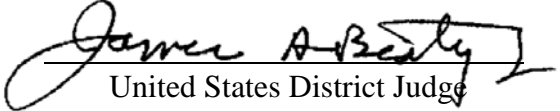
JAMES E. SLATE,)	
)	
Plaintiff,)	
)	
v.)	1:05CV221
)	
JOHN E. POTTER, Postmaster General)	
of the United States Postal Service,)	
JEFFREY F. PEROTTA, Labor Relations)	
Manager, and ROY L. MONTAGUE,)	
High Point Postmaster,)	
)	
Defendants.)	

ORDER

For the reasons discussed in the Memorandum Opinion filed contemporaneously herewith, IT IS ORDERED that Plaintiff's Motion for Partial Summary Judgment [Document #17] will be DENIED. IT IS FURTHER ORDERED that Defendants' Motion to Dismiss [Document #13] will be GRANTED as to Defendants Perotta and Montague, and all claims against Defendant Jeffrey Perotta and Defendant Roy Montague will be DISMISSED. However, with respect to Plaintiff's claim that was discriminated and/or retaliated against because he should have remained on the agency rolls while his administrative appeals were pending, Defendants' Motion to Dismiss [Document #13] will be DENIED without prejudice to Defendant moving for summary judgment with respect to that claim in light of the issues noted in the Memorandum Opinion. FINALLY, IT IS ORDERED that this case be CONSOLIDATED with Case Number 1:04CV782 for further consideration by the Magistrate Judge in conjunction with the claims and

issues raised in that case.

This, the 23rd day of February, 2006.


United States District Judge